

ESTTA Tracking number: **ESTTA461701**

Filing date: **03/14/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201512
Party	Defendant Viking River Cruises (Bermuda) Ltd.
Correspondence Address	Beth M. Goldman ORRICK, HERRINGTON & SUTCLIFFE LLP 405 HOWARD STREET SAN FRANCISCO, CA 92614-8255 UNITED STATES ipprosecutionsf@orrick.com
Submission	Opposition/Response to Motion
Filer's Name	Betsy Wang Lee
Filer's e-mail	ipprosecutionsf@orrick.com, blee@orrick.com
Signature	/Betsy Wang Lee/
Date	03/14/2012
Attachments	91201512_OTMTS.pdf (3 pages)(63334 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	Opposition No.: 91201512 APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO SUSPEND OPPOSITIONS
---	--

Opposer Viking Range Corporation ("Opposer") has filed a Motion to Suspend Opposition Nos. 91201482, 91201495, 91201501, 91201502, 91201504, 91201506, and 91201512 (collectively, the "Oppositions") or, in the alternative, to suspend all discovery in the Oppositions pending the Board's ruling on Opposer's Motion to Consolidate Proceedings. Applicant Viking River Cruises (Bermuda) Ltd. ("Applicant") does not oppose a general suspension of the dates in the proceedings while the Board rules on Opposer's Motion to Consolidate Proceedings. Applicant does, however, oppose Opposer's request to suspend all outstanding discovery obligations pending the Board's ruling on Opposer's Motion to Consolidate Proceedings. Applicant has already prepared and served Applicant's First Set of Interrogatories, Requests for Admission, and Document Requests on Opposer on February 13, 2012, and Opposer's responses to Applicant's discovery requests are due on March 19, 2012.

Opposer's filing of a Motion to Consolidate Proceedings does not warrant a suspension of Opposer's discovery obligations. Suspension of a party's outstanding discovery obligations is only appropriate in certain situations where a party has filed a potentially dispositive motion. "On a case-by-case basis, the Board may find that the filing of a potentially dispositive motion provides a party with good cause for not complying with an otherwise outstanding obligation, for example, responding to discovery requests." TBMP § 510.03(a). A motion to consolidate

proceedings is not a potentially dispositive motion. Applicant submits that a suspension of all discovery would permit Opposer to improperly delay its discovery obligations after Applicant has expended significant time and resources to obtain information necessary for Applicant to defend each of its applications.

Applicant therefore consents to a general suspension of the close of discovery and the trial dates in the proceedings pending the Board's ruling on Opposer's Motion to Consolidate, but respectfully requests that Opposer's request to suspend its outstanding discovery obligations be denied.

Dated: March 14, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: Chelseaa Bush / BWL
Beth M. Goldman
Chelseaa E.L. Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO SUSPEND OPPOSITIONS** is being served upon counsel for Opposer by First Class Mail on this 14th day of March 2012, by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

OHSUSA:750127432.1